

)	No.: M-07-5944 SC
In Re CATHODE RAY TUBE (CRT))	
ANTITRUST LITIGATION)	MDL NO. 1917
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This Document Relates to:)	[PROPOSED] ORDER GRANTING
)	DEFENDANTS' JOINT MOTION TO
)	DISMISS DIRECT PURCHASER
DIRECT PURCHASER ACTION.)	PLAINTIFFS' CONSOLIDATED
)	AMENDED COMPLAINT
)	
)	

[PROPOSED] ORDER GRANTING DEFENDANTS' JOINT MOTION TO DISMISS DIRECT PURCHASER PLAINTIFFS' CONSOLIDATED AMENDED COMPLAINT

1 The Motion to Dismiss the Direct Purchaser Plaintiffs' Consolidated Amended
 2 Complaint ("DP-CAC") filed by Defendants Beijing Matsushita Color CRT Company, Ltd.;
 3 Daewoo International Co.; Hitachi, Ltd.; Hitachi Asia, Ltd.; Hitachi America, Ltd.; Hitachi
 4 Electronic Devices (USA), Inc.; Hitachi Displays, Ltd.; Irico Group Corporation; Irico Display
 5 Devices Co., Ltd.; LG Electronics, Inc.; LG Electronics USA, Inc.; LG Electronics Taiwan
 6 Taipei Co., Ltd.; MT Picture Display Co., Ltd.; Panasonic Corporation of North America;
 7 Panasonic Corporation; Philips Electronics North America Corporation; Koninklijke Philips
 8 Electronics N.V.; Philips Electronic Industries (Taiwan) Ltd.; Philips da Amazonia Industria
 9 Electronica Ltda.; Samsung SDI America, Inc.; Samsung SDI Co., Ltd.; Samsung SDI
 10 (Malaysia) Sdn. Bhd.; Samsung SDI Mexico S.A. de C.V.; Samsung SDI Brasil Ltda.;
 11 Shenzhen Samsung SDI Co. Ltd.; Tianjin Samsung SDI Co., Ltd.; Samsung Electronics Co.;
 12 Ltd.; Samsung Electronics America, Inc.; Samtel Color, Ltd.; Tatung Company of America,
 13 Inc.; Toshiba Corporation; Toshiba America Electronic Components, Inc.; Toshiba America
 14 Information Systems, Inc.; Toshiba America, Inc.; and Toshiba America Consumer Products
 15 L.L.C. (hereinafter, "Defendants") came on regularly for hearing before this Court.

16 Having considered all papers filed in support of and in opposition to said motion,
 17 and having entertained argument of counsel, and good cause appearing, IT IS HEREBY
 18 ORDERED that Defendants' Motion to Dismiss is GRANTED as set forth below.

19 1. The DP-CAC is DISMISSED in its entirety because this Court lacks
 20 subject matter jurisdiction over Direct Purchaser Plaintiffs' ("Plaintiffs") Claim for Violations
 21 of 15 U.S.C. § 1 under the Foreign Trade Antitrust Improvements Act of 1982, 15 U.S.C. § 6a.
 22 Alternatively, all allegations of the DP-CAC that are not directed to purported agreements with
 23 respect to the prices or production of cathode ray tubes ("CRTs") sold inside the United States
 24 are DISMISSED pursuant to Federal Rule of Civil Procedure 12(f), including, but not limited to,
 25 ¶¶ 6, 134-180, 182, 184, 186, 188-97, 200-12.

26 2. Plaintiffs' Claim for Violations of 15 U.S.C. § 1 is DISMISSED to the
 27 extent that it seeks damages because Plaintiffs are indirect purchasers of CRTs – the allegedly
 28

1 price-fixed product – and thus lack standing to bring damages claims under *Illinois Brick Co. v.*
2 *Illinois*, 431 U.S. 720 (1977), and its progeny. Also, the DP-CAC is DISMISSED in its entirety
3 because Plaintiffs lack antitrust standing under *Associated General Contractors of California v.*
4 *California State Council of Carpenters*, 459 U.S. 519 (1983), and its progeny.

5 3. Plaintiffs' Claim for Violations of 15 U.S.C. § 1 is DISMISSED to the
6 extent that it seeks relief for alleged injuries resulting from alleged sales occurring before
7 November 26, 2003, with respect to the Defendants named in the original complaint, and later
8 for subsequently named Defendants, because such claim is barred by the statute of limitations.

9 IT IS SO ORDERED.

10
11 DATED: _____

HON. SAMUEL CONTI
UNITED STATES DISTRICT JUDGE